

LB-63  
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(Start of Belt #4)

has nothing to lose that that person should be charged with capital punishment if he commits a murder. Even in that situation, the facts don't bear out the emotional fears. I don't know what relationship any of you have had with capital punishment. I can tell you that about seven or eight years ago I was involved in the trial of a first degree murder case. My particular client was young, was a woman, was black, was poor. She was charged with three others with murder in the commission of robbery. There were three penalties, there were three alternatives that were available. The electric chair, life imprisonment, or acquittal. She was acquitted, but I can tell you sitting in the court room every person present feels that electric chair and it so colors the otherwise normal transactions and affairs of that courtroom, that I question that the normal processes of a criminal trial take place when the element of the electric chair is present. I am aware, and I know all of you are, of the so-called...the political affects. The fact that people in Gallup polls all say they want some form of capital punishment. I think Senator Chambers has pointed out quite adequately the problems with this particular bill. I think Senator Carstens has done the same thing. I would serve little purpose in going over the legal arguments that to my mind put holes that cannot be covered up in this bill. The Supreme Court of the United States, it seems to me, has done the correct thing and I don't think we can tailor a bill within those limits and this bill certainly is not so well tailored that it will fit. I suppose, sooner or later, someone in this debate will end up by quoting the Bible. The old adage of an eye for an eye, and a tooth for a tooth. I don't profess to be a student of the Bible and I'm...I understand there are those within this Legislature who claim to be far greater students of it than I do, but I would like to suggest to you that this age old adage of an eye for an eye and a tooth for a tooth has never meant and certainly doesn't mean today that if I take your eye out, you are to take my eye out. It means, rather than if I take your eye out, you are to punish me adequately and justly and it seems to me impossible to justify the taking of one life with the taking of a second life. Possibly I am speaking only for myself, possibly for a small minority within this Legislature, hopefully for the majority who will let their conscience ask them the question of their right as an individual man or woman to take another persons life. Ladies and Gentlemen of the Legislature, we are now in the process of making this law and ours is the first decision that will be made on this question and, therefore, if we vote yes in favor of these bills, we are voting, in effect, to allow the taking of another life. We are voting an eye for an eye in its most literal sense which the history of man has deemed to be incorrect. Our history teaches us that we are to justly punish the wrongdoer. We are to do it quickly, with certainty, and with adequate punishment. We have no more right to take another life than the person who took the first life and, therefore, I see no alternative for myself and I would hope you would agree...no alternative for myself but to oppose this bill and any others that would reinstate capital punishment.

PRESIDENT: We are still discussing the DeCamp amendments to LB 268. These amendments are set out in detail in the Journal on Page 817. Is there any further discussion of the DeCamp amendments. Senator Carpenter.

SENATOR CARPENTER: Mr. President, I want to again get this thing back in focus. I realize that this bill and these amendments are highly controversial and it's a matter of one's conscience, that what was testified before the Judiciary Committee, and if this is not so I hope the Chairman will correct me, the Attorney General upon the request, I presume,